

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, MAY 15, 2009  
9:30 A.M.**

**AOC SEATAC OFFICE  
SEATAC, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Gerry Alexander**, Chair  
Supreme Court

**Judge Vickie Churchill**, Member-Chair  
Superior Court Judges' Association  
Island County Superior Court

**Judge Marlin J. Appelwick**  
Court of Appeals, Division I

**Judge Rebecca M. Baker**  
Superior Court Judges' Association  
Ferry/Stevens/Pend Oreille Superior Courts

**Judge Ronald Culpepper**  
Superior Court Judges' Association  
Pierce County Superior Court

**Judge Sara Derr**  
District and Municipal Court Judges'  
Association  
Spokane County District Court

**Judge Susan Dubuisson**  
District and Municipal Court Judges'  
Association  
Thurston County District Court

**Judge Tari Eitzen**, President  
Superior Court Judges' Association  
Spokane County Superior Court

**Judge Deborah Fleck**  
Superior Court Judges' Association  
King County Superior Court

**Judge Michael Lambo**  
District and Municipal Court Judges'  
Association  
Kirkland Municipal Court

**Judge Marilyn Paja**, President  
District and Municipal Court Judges'  
Association  
Kitsap County District Court

**Justice Barbara Madsen**  
Supreme Court

**Judge Robert McSeveney**  
District and Municipal Court Judges'  
Association  
Kent Municipal Court

**Judge Christine J. Quinn-Brintnall**  
Court of Appeals, Division II

**Judge John Schultheis**  
Court of Appeals, Division III

## NON-VOTING MEMBERS:

**Mr. Jeff Hall**  
State Court Administrator

**Mr. Mark Johnson**, President  
Washington State Bar Association

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Mr. Salvador Mungia**, President-Elect  
Washington State Bar Association

**Judge Glenn Phillips**, President-Elect  
District and Municipal Court Judges'  
Association  
Kent Municipal Court

**Judge Stephen Warning**, President-Elect  
Superior Court Judges' Association  
Cowlitz County Superior Court

# Board for Judicial Administration

May 15, 2009  
9:30 a.m.  
AOC SeaTac Office  
Suite 1106, SeaTac Office Center

## Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
<b>Action Items</b>		
3. April 17, 2009 Meeting Minutes <b>Action: Motion to approve the minutes of the April 17 meeting</b>	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. Proposed BJA Rule Change <b>Action: Motion to approve the proposed BJA rule change</b>	Ms. Mellani McAleenan	Tab 2
5. Appointment to Civil Legal Aid Oversight Committee <b>Action: Motion to appoint a BJA representative to the OCLA Oversight Committee</b>	Ms. Mellani McAleenan	Tab 3
<b>Reports and Information</b>		
6. Member Chair Election	Judge Vickie Churchill	Tab 4
7. Legislative Report	Ms. Mellani McAleenan	Tab 5
8. Budget Update	Mr. Jeff Hall	Tab 6
9. Access to Justice Board	Mr. M. Wayne Blair	
10. Washington State Bar Association	Mr. Mark Johnson Ms. Paula Littlewood	
11. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge Marlin Appelwick Judge Tari Eitzen Judge Marilyn Paja	

Board for Judicial Administration Meeting Agenda  
May 15, 2009  
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12. Association Reports County Clerks Superior Court Administrators Juvenile Court Administrators District and Municipal Court Administrators	Ms. Barb Miner Ms. Marti Maxwell Ms. Sharon Paradis Ms. Jeri Cusimano	
13. Administrative Office of the Courts	Mr. Dirk Marler	
14. Other Business Next meeting: June 19 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Vickie Churchill	



**Board for Judicial Administration  
Meeting Minutes**

**April 17, 2009  
Temple of Justice  
Olympia, Washington**

**Members Present:** Chief Justice Gerry L. Alexander, Chair; Judge Vickie Churchill, Member-Chair; Judge Marlin Appelwick; Judge Ronald Culpepper; Judge Sara Derr; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Mark Johnson; Ms. Paula Littlewood; Justice Barbara Madsen; Judge Richard McDermott; Judge Marilyn Paja; and Judge Christine Quinn-Brintnall

**Guests Present:** Mr. Jim Bamberger, Minister Bernd Busemann, Judge Steven González, Dr. Ralph Guise-Rübe, Mr. Haarmann, Mr. Michael Klusmeier, Ms. Tara Larson, Ms. Cathy Maras, Ms. Marti Maxwell, Mr. Joe McGuire, Ms. Joanne Moore, Mr. Julian Sohn, and Mr. Georg Wessling

**Staff Present:** Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Chris Ruhl

Chief Justice Gerry Alexander called the meeting to order.

March 20, 2009 BJA Meeting Minutes

**It was moved by Judge Paja and seconded by Judge McDermott to approve the March 20, 2009 BJA meeting minutes. The motion carried.**

BJA Best Practices Committee Access Measures

**It was moved by Judge Paja and seconded by Judge McDermott to approve the BJA Best Practices Committee Access Measures 12, 15 and 16. The motion carried.**

Proposed Changes to RPC 1.15 and ELC 15

Mr. Bamberger reported that historically, financial institutions have been paying less interest on IOLTA accounts than similarly situated demand accounts. The proposed rule has been adopted in a number states in varying forms. No financial institution has declined to participate because of the comparability requirements. They probably will not like this rule change but major financial institutions know it is coming. It is an equity issue.

**It was moved by Judge Fleck and seconded by Judge Derr to recommend to the Supreme Court the proposed changes to RPC 1.15 and ELC 15. The motion carried with Chief Justice Alexander and Justice Madsen abstaining.**

### BJA Court Security Committee Report

Judge González presented the BJA Court Security Committee's annual report to the BJA. Because of the budget problems facing counties and the state, the Committee has seen court security budgets being reduced, and consequently, reductions in security—both in staffing and in plans to improve security.

A statewide incident report log was included in the meeting materials. So far, 21 court security incidents have been reported this year. There are incidents that are not reported in some courts. For example, weapons missed on initial screening found upon secondary screening. They are starting to measure court security and it is beginning to matter more.

The Committee produced a model checklist for use in evaluating court security and they also revised the incident report form. In addition, they distributed a Presiding Judge Crisis Communication Plan.

BJA members were encouraged to e-mail Judge González or Mr. Rick Coplen at AOC ([rick.coplen@courts.wa.gov](mailto:rick.coplen@courts.wa.gov)) with any court security questions.

### Trial Court Coordination Report

Ms. McAleenan shared that the Trial Court Coordination project that has garnered the most interest from the BJA is the King County Juror sign project. They have been able to replace the juror public service announcements on Metro free of charge because of the downturn in the economy and the lack of other advertisers. King County will give a report on their project at a future BJA meeting.

### Legislative Report

Today is the last day for bills to be heard in the opposite house. A week from Sunday is the end of the session. A few updates to the legislative report in the meeting materials were discussed.

- HB 1919 (drug court funding) still needs to be voted on by 5 p.m. tonight.
- HB 1158 (electronic juror signatures) is on the concurrence calendar and not bound by the 5 p.m. deadline tonight.
- SSB 5013 (increasing and adding fees at the superior court level) was amended and now the BJA supports the bill.
- SB 5556 (toll enforcement infractions). There will be a meeting with stakeholders regarding this bill after the BJA meeting.

### WSBA Civil Legal Aid Proposals

Mr. Johnson stated that he rolled out the following two proposals regarding civil legal aid funding.

- Mandatory assessment on attorney license fees to help fund civil legal aid
- Move existing CLE funds to the civil legal aid fund

At the Richland Board of Governors meeting they will discuss the proposals along with any additional proposals. Mr. Johnson does not expect a vote at that meeting.

There is a Civil Legal Aid Crisis Summit this afternoon at Seattle University School of Law with an expected attendance of 75. Chief Justice Alexander and Judge González will participate in the Summit.

### Proposed BJA Rule Change

Ms. McAleenan explained that the proposed rule change would stagger the DMCJA and SCJA BJA membership terms differently so more members would be eligible as the BJA Member-Chair.

Judge Churchill thinks this is a very good proposal and stated it will be put on the action calendar for next month.

Judge Paja mentioned that she took the proposal to the DMCJA Board as a general concept, and because DMCJA has term limits and would need to amend its Bylaws to be in conformity with BJA changes, also referred it to the DMCJA Bylaws Committee. The DMCJA Board looked at the membership term change positively.

### HB 2362

HB 2362 (court fees for Judicial Stabilization Trust Account) was dropped Wednesday. The BJA Legislative Executive Committee has not had a chance to take a position on this bill but Chief Justice Alexander testified on the bill yesterday morning.

It was suggested that the BJA discuss the bill during this meeting and the BJA Legislative Executive Committee will take a position on the bill later.

Chief Justice Alexander pointed out that the bill creates a permanent increase in filing fees. The filing fee for appeals would go from \$250 to \$450. Chief Justice Alexander testified that the bill is counter to core beliefs of the judiciary. Large filing fee increases 1) inhibit access to justice, 2) are a stumbling block to people who want to use this public justice system which has been established in the state constitution, and 3) fly in the face of the core belief that an efficient and available justice system benefits society



as a whole. In addition, most of the costs of the justice system should be borne by all taxpayers.

#### Access to Justice Board

Judge González reported that the Access to Justice Conference will be held in Yakima in May and focus on assisting people of poverty.

The Access to Justice Board is in favor of proposed new rule GR 34 regarding a waiver of court and clerk's fees and charges in civil matters on the basis of indigency. They have also been active in the housing initiative.

#### Washington State Bar Association

Ms. Littlewood mentioned that the housing initiative is moving forward and they are trying to find state or federal funding. In the interim, the Board of Governors (BOG) approved \$160,000 in WSBA funds to be spent on the initiative. The Northwest Justice Project is a partner on the initiative and recruiting of attorneys will begin on May 1. Attorney training will be held at the end of May. On June 1 they hope to go public and begin the client intake process.

The BOG will meet in Richland later in the month and will hear the final report of the Discipline Review Committee. The BOG will forward their recommendations to the Supreme Court for consideration. The Board will also discuss President Johnson's proposal to create a Lawyers' Fund for Civil Justice.

The WSBA is working closely with judicial associations on a proposed amendment to RPC 8.5 – Disciplinary Authority Over Judges. They will have the first reading at the April BOG meeting and they hope to take action in May.

The WSBA has been looking at ways to trim costs and they are reviewing a proposal to fund a videoconferencing system for the WSBA so they can reduce meeting travel costs. Another cost saving measure of the WSBA BOG is that they will no longer provide Board books at their BOG meetings. Meeting attendees will download the materials on their laptops and view the materials electronically.

#### Reports from the Courts

**Supreme Court:** Justice Madsen reported that the Supreme Court is currently on recess between terms. When they come back they will have a memorial service for two former Supreme Court justices: Justice Robert Brachtenbach and Justice Keith Callow.

The appellate judges conference was very informative and well received.

**Court of Appeals:** Judge Appelwick said that the Court of Appeals is waiting to see where the budget lands and then they will internally agree on a budget process.

Judge Quinn-Brintnall reported that the Court of Appeals is taking a look at conferences and whether there should be a Fall Conference and a Spring Conference every year. One option might be to hold business meetings by videoconference.

**Superior Courts:** Judge McDermott stated the Superior Court Judges' Spring Conference begins April 26. One highlight of the conference will be a presentation by Chief Justice Alexander and Mr. Charles Wiggins. The conference will also provide education regarding evidence-based treatment programs. The SCJA has tried very hard to make their Spring Conference topics timely and they have done a good job of presenting a program that most of the judges feel is essential to attend. They currently have over 190 judges registered for the conference.

**Courts of Limited Jurisdiction:** Judge Paja reported that at the request of the BJA, she will be attending an ABA conference regarding Fair and Impartial State Courts in early May along with a team from Washington (Judge Eitzen, Mr. Hall, Mr. John Lane from the Governor's Office, Senator Adam Kline, and Representative Roger Goodman). The Conference is funded in part by the NCSC and the ABA.

The DMCJA and WSBA are partnering to provide an opportunity for training of lawyers interested in being appointed as pro tem judges. With an eye toward the retirement of many judges over the next decade, the project will educate those interested in pro tem work as to the ethics and processes involved. The training will hopefully add diversity to the available pro tem judges. The training will not change in any way the discretion of a presiding judge to determine her own pro tem list.

Upcoming this month, with funding and leadership from the BCE, is an online ethics seminar addressed to limited jurisdiction judicial officers. It will be in a format similar to the ethics seminar offered online for superior court judges last year.

The annual DMCJA Board retreat is scheduled for early May. Ms. Joanne Moore from the Office of Public Defense will speak regarding public defender issues affecting courts of limited jurisdiction, including the split of available funds between counties and cities, the progress of change to DWLS3 this legislative session, and the process for cities to access available public defender funds.

The DMCJA Annual Spring Conference is June 7-10 at Semiahmoo and the judges are looking forward to that training. This fall, with funding from the Traffic Safety Commission, the DMCJA will once again offer regional training at four locations statewide concerning current DUI issues. Judges from all levels will receive information closer to the dates.

### Association Reports

**County Clerks:** The Clerks had an excellent Spring Conference in March with presentations on guardianship cases and leading in difficult times. They are currently gearing up for regional staff training the week of the upcoming judicial conference and getting their agenda together for the Annual Conference in June.

The Clerks are being hit hard with budget cuts and are doing their best to come up with new ways to continue to provide services with less staff.

**District and Municipal Court Administrators:** Mr. McGuire thanked the DMCJA for the scholarships they provided to three court administrators to attend Institute for Court Management (ICM) training. The District and Municipal Court Management Association (DMCMA) has been working on succession planning and the ICM training is a step in the right direction.

The software system PCMS, in use by courts, is DOS based and over 20 years old. Individual courts cannot correspond electronically with each other and the DMCMA is working with AOC to connect the courts electronically. To fund the update of the PCMS system, they are seeking funding from the National Center for State Courts and the State Justice Institute.

It is Mr. McGuire's last meeting as the DMCMA President. Ms. Jeri Cusimano will become President during their Annual Conference which will be held in Vancouver next month. Chief Justice Alexander thanked Mr. McGuire for his leadership of the DMCMA and appreciates Mr. McGuire's service to the judiciary.

### Administrative Office of the Courts

Mr. Hall reported that the Legislature and the budget are taking up a lot of time for AOC staff. The Judicial Information System Committee is meeting today to decide how they will go forward with the Roadmap.

### Other Business

**BJA Financial Report:** Ms. McAleenan noted that most of the BJA expenses were mileage reimbursements for people coming to Olympia to testify on BJA issues.

**Bernd Busemann, Minister of Justice, Lower Saxony:** Chief Justice Alexander introduced Bernd Busemann, the Minister of Justice for Lower Saxony in Germany. Chief Justice Alexander explained that the Minister of Justice position appears to be a blend of state court administrator, attorney general and department of corrections secretary. Chief Justice Alexander welcomed him and explained the purpose of the BJA.



## BJA Term Stagger – In Support of Proposed BJA Rule Revision

The chart below shows the current term staggers for the DMCJA and SCJA BJA members. The DMCJA term ending in 2010 will end in the middle of the DMCJA member chair term and the SCJA term ending in 2012 will end in the middle of the next SCJA member chair term.

### Current Stagger

2009	2010	2011	2012	2013	2014	2015	2016
1 each							
1 each							
1 each							
1 each							
SCJA Co-Chair	DMCJA Co-Chair		SCJA Co-Chair		DMCJA Co-Chair		SCJA Co-Chair

The alternative stagger (below) would essentially lay out two terms with two judges each for each association level that would put all of their members in a position to serve as member chair in either the middle two or final two years of their terms. Looking at the dark purple, DMCJA terms would end in 2011 and 2012 and SCJA terms would end in 2013 and 2014. Two terms with two members each is not a good approach, as no member would essentially be eligible during the first year of their term and brand new members are unlikely to be elected in any event. And, basically all four members from each association would be viable candidates each member chair election cycle.

In terms of practical implementation, the current DMCJA terms that expire in 2011/12 would remain unchanged. And for the terms that end in 2009 and 2010, the easiest thing to do would probably be to have the Associations simply elect for short two-year terms when the current terms expire, and that would then put the subsequent terms into the proper rotation. Same logic for different years would apply for SCJA.

### Alternative Stagger

2009	2010	2011	2012	2013	2014	2015	2016
SCJA (2)							
SCJA (2)							
DMCJA (2)							
DMCJA (2)							
SCJA Co-Chair	DMCJA Co-Chair		SCJA Co-Chair		DMCJA Co-Chair		SCJA Co-Chair

## BOARD FOR JUDICIAL ADMINISTRATION RULES -- BJAR 2 -- COMPOSITION

(a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).

(b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.

(c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2012 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000.]





## Washington State Civil Legal Aid Oversight Committee

1206 Quince St. SE  
Olympia, WA 98504  
MS 41183  
360-704-4135

Hon. Lesley Allan, Chair  
Hon. Zulema Hinojos-Fall,  
Vice-Chair  
Rep. Jay Rodne  
Rep. Jamie Pedersen  
Sen. Linda Evans-Parlette  
Sen. Adam Kline  
Carolyn Estrada  
Hon. Paul A. Bastine (Ret.)  
Hon. Erik Rohrer  
Barbara C. Clark  
Thomas A. Brown

May 8, 2009

Hon. Gerry Alexander, Chair  
Hon. Vickie Churchill, Member-Chair  
Board for Judicial Administration  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929

Re: Request for Reappointment  
BJA Position on the Civil Legal Aid Oversight Committee

Dear Chief Justice Alexander and Judge Churchill:

The Civil Legal Aid Oversight Committee was established in 2005 to monitor and oversee the activities of the Director of the Office of Civil Legal Aid and to make, from time to time, recommendations relating to the provision of state funded civil legal aid in Washington State. Pursuant to RCW 2.53.010(1)(b), the Board for Judicial Administration appoints two members of this eleven-member, bipartisan body. Since 2005, I have served by BJA appointment on the Oversight Committee, serving as its elected Chair for the entire period of time.

My current term ends on June 30, 2009. I am eligible for reappointment, believe I have additional value to add to the work of the Oversight Committee and would like to be reappointed for a final three-year term. Of course, the BJA is free to appoint someone else for the term commencing July 1, 2009 and ending June 30, 2012. By this letter I respectfully request that the BJA consider the matter and make an appointment at its earliest opportunity.

Please feel free to contact me or Jim Bamberger, Director of the Office of Civil Legal Aid,



Chief Justice Gerry Alexander  
Judge Vickie Churchill  
May 8, 2009  
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with questions about this matter. Mr. Bamberger can be reached at 360-704-4135 or [jim.bamberger@ocla.wa.gov](mailto:jim.bamberger@ocla.wa.gov).

Sincerely,

CIVIL LEGAL AID OVERSIGHT COMMITTEE

A handwritten signature in black ink, consisting of several vertical, wavy lines of varying heights, followed by a long, sweeping horizontal stroke that extends to the right.

Judge Lesley Allan, Chair

c: Hon. Zulema Hinojos-Fall, Chair-Elect  
Mr. Jim Bamberger, OCLA Director  
Ms. Mellani McAlleenan, BJA Director



# BOARD FOR JUDICIAL ADMINISTRATION

[BJA@listserv.courts.wa.gov](mailto:BJA@listserv.courts.wa.gov)

Name	Address	Phone/Fax	E-Mail
Chief Justice Gerry Alexander, <i>Co-Chair</i> (1/13)	Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	360-357-2029 Fax: 360-357-2085	<a href="mailto:J_G.Alexander@courts.wa.gov">J_G.Alexander@courts.wa.gov</a>
Justice Barbara A. Madsen (6/11)	Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	360-357-2037 Fax: 360-357-2103	<a href="mailto:J_B.Madsen@courts.wa.gov">J_B.Madsen@courts.wa.gov</a>
Judge Marlin Appelwick (6/12)	Court of Appeals, Division I One Union Square 600 University Street Seattle, WA 98101-4170	206-389-3926 Fax: 206-389-2614	<a href="mailto:J_m.appelwick@courts.wa.gov">J_m.appelwick@courts.wa.gov</a>
Judge Christine J. Quinn-Brintnall (6/10)	Court of Appeals, Division II 945 S. Market Street MS-TB-06 Tacoma, WA 98402-3694	253-593-5447 Fax: 253-593-2060	<a href="mailto:J_c.quinn-brintnall@courts.wa.gov">J_c.quinn-brintnall@courts.wa.gov</a>
Judge John Schultheis (6/09)	Court of Appeals, Division III P. O. Box 2159 Spokane, WA 99210-2159	509-456-3944 Fax: 509-625-5544	<a href="mailto:john.schultheis@courts.wa.gov">john.schultheis@courts.wa.gov</a>
Judge Rebecca Baker (6/10)	215 S. Oak St., #209 Colville, WA 99114	509-684-7520 Fax: 509-685-0679	<a href="mailto:rbaker@co.stevens.wa.us">rbaker@co.stevens.wa.us</a>
Judge Vickie I. Churchill <i>Member Chair</i> (6/09)	Island County Superior Court P. O. Box 5000 Coupeville, WA 98239-5000	360-679-7361 Fax: 360-679-7383	<a href="mailto:vickiec@co.island.wa.us">vickiec@co.island.wa.us</a>
Judge Ron Culpepper (6/12)	Pierce County Superior Court 930 Tacoma Ave S, Rm 334 Tacoma, WA 98402-2108	253-798-3654 Fax: 253-798-7214	<a href="mailto:rculpep@co.pierce.wa.us">rculpep@co.pierce.wa.us</a>
Judge Tari Eitzen (SCJA President) (6/10)	Spokane County Superior Ct. 1116 W Broadway Ave Spokane, WA 99260-0350	509-477-4704 Fax: 509-477-5714	<a href="mailto:teitzen@spokanecounty.org">teitzen@spokanecounty.org</a>
Judge Deborah Fleck (6/11)	King County Superior Court Regional Justice Center 401 4 <sup>th</sup> Avenue N Rm 2D Kent, WA 98032-4429	206-296-9273 Fax: 206-205-2585	<a href="mailto:deborah.fleck@kingcounty.gov">deborah.fleck@kingcounty.gov</a>
Judge Sara Derr (6/10)	Spokane County District Court 1116 W. Broadway Avenue Spokane, WA 99260-0350	509-477-2914 Fax: 509-477-6445	<a href="mailto:sderr@spokanecounty.org">sderr@spokanecounty.org</a>
Judge Susan Dubuisson (6/11)	Thurston County District Court 2000 Lakeridge Dr SW, Bldg 3 Olympia, WA 98502-6001	360-786-5450 Fax: 360-754-3359	<a href="mailto:dubuisson@co.thurston.wa.us">dubuisson@co.thurston.wa.us</a>
Judge Robert McSeveney (6/09)	Kent Municipal Court 1220 Central Avenue S Kent, WA 98032-7426	253-856-5730 Fax: 253-856-6730	<a href="mailto:rmcseveney@ci.kent.wa.us">rmcseveney@ci.kent.wa.us</a>

<b>Name</b>	<b>Address</b>	<b>Phone/Fax</b>	<b>E-Mail</b>
Judge Michael Lambo (6/12)	Kirkland Municipal Court PO Box 678 Kirkland, WA 98083-0678	425-587-3179 Fax: 425-587-3161	<a href="mailto:mlambo@ci.kirkland.wa.us">mlambo@ci.kirkland.wa.us</a>
Judge Marilyn Paja (DMCJA President) (6/09)	Kitsap County District Court 614 Division St, MS 25 Port Orchard, WA 98366-4684	360-337-7144 Fax: 360-337-4865	<a href="mailto:mpaja@co.kitsap.wa.us">mpaja@co.kitsap.wa.us</a>
<b>Non-voting Members:</b>			
Court of Appeals (Presiding Chief Judge) (6/09)	Vacant because Judge Appelwick is currently a BJA voting member		
Mr. Jeff Hall (Court Administrator) (Indefinite)	Administrative Office of the Courts Temple of Justice P. O. Box 41174 Olympia, WA 98504-1174	360-357-2120 Fax: 360-956-5794	<a href="mailto:jeff.hall@courts.wa.gov">jeff.hall@courts.wa.gov</a>
Mr. Mark Johnson (WSBA President) (9/09)	Johnson & Flora PLLC 701 5 <sup>th</sup> Avenue, Ste 7200 Seattle, WA 98104-7042	206-386-5566 Fax: 206-682-0675	<a href="mailto:mark@johnsonflora.com">mark@johnsonflora.com</a>
Ms. Paula Littlewood (WSBA Executive Director) (Indefinite)	Washington State Bar Association 1325 4th Avenue, Ste 600 Seattle, WA 98101-2539	206-443-9722 Fax: 206-727-8319	<a href="mailto:paulal@wsba.org">paulal@wsba.org</a>
Mr. Salvador Mungia (WSBA President-Elect) (9/10)	Gordon Thomas Honeywell PO Box 1157 Tacoma, WA 98401-1157	253-620-6500 Fax: 253-620-6565	<a href="mailto:smungia@gth-law.com">smungia@gth-law.com</a>
Judge Glenn Phillips (DMCJA President-Elect) (6/10)	King County Kent 1220 Central Ave S Kent, WA 98032-7426	253-856-5730 Fax: 253-856-6730	<a href="mailto:gphillips@ci.kent.wa.us">gphillips@ci.kent.wa.us</a>
Judge Stephen Warning (SCJA President-Elect) (6/11)	Cowlitz County Superior Court 312 SW 1st Ave, Fl 2 Kelso, WA 98626-1739	360-577-3085	<a href="mailto:warnings@co.cowlitz.wa.us">warnings@co.cowlitz.wa.us</a>
<b>Staff:</b>			
Ms. Mellani McAleenan	Administrative Office of the Courts Temple of Justice P. O. Box 41174 Olympia, WA 98504-1174	360-357-2113 Fax: 360-956-5794	<a href="mailto:mellani.mcaleenan@courts.wa.gov">mellani.mcaleenan@courts.wa.gov</a>
Ms. Beth Flynn	Administrative Office of the Courts Temple of Justice P. O. Box 41174 Olympia, WA 98504-1174	360-357-2121 Fax: 360-956-5794	<a href="mailto:beth.flynn@courts.wa.gov">beth.flynn@courts.wa.gov</a>



# BOARD FOR JUDICIAL ADMINISTRATION

2009 Legislative Session – *Sine Die* Report

Current as of 5/13/09

The legislature adjourned *sine die* as scheduled on April 26<sup>th</sup>. Despite the overwhelming nature of the budget woes the legislators faced this session, they still passed a record number of bills for a regular, 105-day session. The Governor has until May 19<sup>th</sup> to act on those 583 bills by affirmatively signing them into law or by vetoing them in whole or in part. If the Governor fails to act on a bill, it becomes law automatically. Unless otherwise stated, this year's legislation becomes effective on July 26, 2009. Talk of a special session has ceased.

## BJA Request Legislation

Bill	Description	Position	Status, Comments
HB 1158 <del>SB 5134</del>	<b>Electronic Juror Signatures</b> Allowing electronic signatures on juror questionnaires	Request	Signed by Governor.
<del>HB 1159</del> SB 5135	<b>King Co. district court judges</b> Adding 5 judges to King County district court (phased in over 3 years), remove 2 Spokane County district court positions.	Request	Signed by Governor.
<del>HB 1204</del> SB 5102	<b>Benton Co. district court judges</b> Adding 2 district court judges in Benton County	Request	Signed by Governor.
HB 1205 <del>SB 5205</del>	<b>Court of appeals judges</b> Adding one judge to division two, district two	Request	Signed by Governor.
HB 1238 <del>SB 5133</del>	<b>Juvenile case records access</b> Allowing WSCCR and OPD access to records	Request	Signed by Governor.
<del>HB 1937</del>	<b>State juror expenses funding</b> Increasing juror pay and state funding	Request	1937 was heard in House Judiciary on 3/11

Legislation BJA has taken a position on as of April 15, 2009

(Bills with a "No Position" status are not listed. Bills with a strikethrough are dead. )

Bill	Description	Position	Status, Comments
HB-1147	Local option tax provisions	Support	Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
HB-1175	State govt. ethics	Concerns	Concern re section 5 – state judicial officers should be excluded.
HB 1257	Deferred prosecution files	Support	Signed by Governor. DMCJA bill. BJA Long Range Planning Committee.
HB-1317	Disclosure of public records	Concerns	Support amendment to add specific language to make certain bill applies to executive branch criminal justice agencies.
HB-1382	Expanding DNA collection to time of arrest	Concerns	Oppose section 5(9) – new unrelated fee. Large fiscal note.
HB-1476	Requiring court to advise crime victims of their rights	Oppose	Suggested alternative to sponsor. Fiscal impact.
HB-1497	Eliminating certain boards and commissions	Concerns	Oppose elimination of Sentencing Guidelines Commission.
HB 1517	Restoration of right to vote	Support	Signed by Governor.
HB-1739 SB-5902	Adding nonwaivable penalty to parking violation to promote accessible communities for persons with disabilities	Concerns	BJA letter to committee
HB-1742 SB-5523	Public retirement benefits for court employees	Support	
HB-1781 SB-5819	Changing OPD funding distribution between cities and counties	Concerns	
HB-1862 SB-5782	Contracting for judicial services between jurisdictions	Oppose	
HB-1902	Consolidating accounts into the general fund	Oppose	Oppose due to inclusion of Equal Justice Subaccount.
HB 1919	Drug court funding	Support	Signed by Governor. SCJA bill.
HB 2211	SR 520 tolls	Watch	Substance of bill to be addressed during interim. Signing scheduled for May 13.
HB-2216 SB-6025 HJR-4210	Transferring functions from WSBA to Supreme Court	Oppose	
SHB 2362	Justice Stabilization Trust Account	Concerns	Not yet scheduled for signature.

SSB 5013	Increasing and adding fees at superior court level	Support as amended	Signed by Governor. Section 28 (creditors claim fee) removed.
SB 5073	Consolidating accounts into the general fund	Watch	Amended to include "intent language" about Equal Justice Subaccount. Scheduled for signing on May 14.
SB-5082 SB-5093 SJR-8203 SJR-8204	Filling supreme court vacancies through a nominating commission	Oppose	No hearings have been scheduled on any of these bills at this time.
SB-5115	Modifying the judicial conduct commission	Concerns	Necessary resolution did not pass so bill is likely dead. If not, will need amended to address Commission and DMCJA concerns.
SB-5146	Revising the accrual of interest on judgments entered against offenders	Concerns	
SB 5151	Authorizing appointment of criminal court commissioners	Support	Signed by Governor.
SB-5225 SB 6167	Updating property theft values	Support	Signed by Governor.
SB-5240	Making unenforceable court rules with fiscal impact	Oppose	
SB 5277	District court clerk fees	Support	Signed by Governor. DMCJA bill.
SB-5301	Permissible uses for sales & use taxes	Support	Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
SB-5386	Electronic court recording	Oppose	
SB 5433	Local option tax provisions	Support	Not yet scheduled for signature. Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
SB 5556	Toll enforcement infractions.	Concerns	Signed by Governor
SB-5577	Standardizing dependency forms	Concerns	Amended into another bill. Support with amendments on funding and timelines.
SB-5970	Telephonic hearings in civil and traffic cases	Oppose	No hearing scheduled at this time.
SB-6067	Delayed sentencing for certain offenders	Support	SCJA bill.
No bill at this time	CASA funding	Support	Support effort to retain partial CASA funding.
No bill at this time	Local option user fees	Oppose	





## 09-11 Budget Reduction Summary Judicial Branch

AOC Comparison	GFS						
	Amount of				Judicial		FTE Reduction
	09-11 ML	Percent Reduction	Agency Reduction	Other Policy Changes	Stabilization Trust	Information Systems	
Supreme Court	15,304	-10.9%	-1,661	-220	0	0	-3.0
State Law Library	4,594	-17.0%	-781	-18	0	0	-1.0
Court of Appeals	34,941	-12.0%	-4,183	-458	0	0	-6.0
Judicial Conduct	2,328	-8.0%	-186	-28	0	0	0.0
AOC	50,754	-19.3%	-9,804	-7,337	6,598	29,676	-15.0
Public Defense	54,142	-2.2%	-1,190	-2,975	2,923	0	-1.5
Civil Legal Aid	23,622	-0.7%	-177	-822	1,160	0	0.0
Total:	185,685	-9.68%	-17,982	-11,858	10,681	29,676	-26.5

Supreme Court: Agency funding reduction \$1,224,000 plus the elimination of merit increment and other comp. funding of \$437,000.

Law Library: Agency funding reduction \$730,000 plus the elimination of merit increment funding of \$51,000.

Court of Appeals: Agency funding reduction \$2,795,000 plus the elimination of merit increment funding of \$1,388,000.

AOC ML excludes JLS, superior court judges' salaries and the Becca and Truancy pass through programs.

\* Other Policy Changes primarily include changes to the actuarial computation of retirement contributions and moving general fund appropriation to the judicial stabilization trust account.

AOC Comparison	GFS			FTE's
	09-11 ML	Percent Reduction	Amount of Agency Reduction	
House of Representatives	74,198	-8.8%	-6,530	-16.4
Senate	57,753	-8.6%	-4,976	-18.7
Governor's Office	18,789	-6.0%	-1,129	139.6
OFM	136,711	-2.6%	-3,562	9.5
DIS	279,851	-5.9%	-16,445	-13.8
Dept. of Personnel	68,436	-3.3%	-2,256	-10.0
Total:	635,738		-34,898	90.2

FYI

# Elder Law Section

*of the Washington State Bar Association*

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May 5, 2009

Jeff Hall, State Court Administrator  
Administrative Office of the Courts  
1206 Quince St. S.E.  
P.O. Box 41170  
Olympia, WA 98504-1170

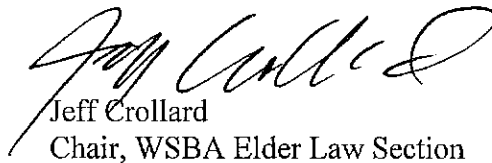
**RE: Funding for the Office of Public Guardianship**

Dear Mr. Hall,

Enclosed is a copy of the letter of support for continued funding of the Office of Public Guardianship that I have sent to Chief Justice Alexander and Justices Johnson, Madsen and Sanders. I understand that you are faced with the difficult task of reducing the AOC's budget. I wanted to urge you on behalf of the WSBA Elder Law Section to not disproportionately cut the OPG.

Could you please forward this letter and the enclosed letter to the other members of the Board for Judicial Administration? Please let us know if our Section can be of any assistance to you.

Sincerely,

  
Jeff Crollard  
Chair, WSBA Elder Law Section

Crollard Law Offices, PLLC  
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Seattle, Washington 98119  
[jbc@crollardlaw.com](mailto:jbc@crollardlaw.com)  
206-832-0473

Enclosure

# Elder Law Section

*of the Washington State Bar Association*

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May 5, 2009

Chief Justice Gerry Alexander  
Associate Chief Justice Charles Johnson  
Justice Barbara Madsen  
Justice Richard Sanders  
Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

**RE: Funding for the Office of Public Guardianship**

Dear Chief Justice Alexander and other members of the Budget Committee:

I am writing to you on behalf of the WSBA Elder Law Section to ask for your support for continued funding of the Office of Public Guardianship. Our Section played a leading role in promoting the establishment of the OPG. We appreciate your strong support in that successful effort. While still in its infancy, the OPG is off to a good start, and there are contracts for services with professional guardians in five counties. Public guardians are beginning to fill an important gap in the service spectrum and have been accepting difficult cases. We are confident that the program will, given the opportunity, prove itself to be both cost effective and humane. The alternative – a guardianship system with no adequate provision for incapacitated people who are alone and poor – is simply unacceptable.

In other circumstances, we would have hoped that the new biennium would have been a time for dramatic expansion at the OPG. In the circumstances we face, some contraction may be inevitable. But we urge you to do what you can to assure that any reduction in funding for the OPG is not grossly disproportionate to the reduction in AOC funding. Recently, the OPG advised public guardians that, until further notice, no new cases would be approved. We fear that this will jeopardize the statutorily mandated study of the OPG. We urge that the freeze on new cases be reversed.

We understand that budget provisos this session protect some portions of the AOC's budget from reductions, and thus other portions will have to bear the cuts. Again, we urge that the OPG, which holds so much promise for some of the most vulnerable members of our society, not be eliminated or face grossly disproportionate reductions.

The Elder Law Section is committed to working, in cooperation with the judicial branch, to improve our guardianship system. A public guardianship program is an

Chief Justice Gerry L. Alexander  
Justices Johnson, Madsen, Sanders  
May 5, 2009  
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essential component of an acceptable system. We urge you to give the OPG the support it needs at this precarious moment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Crollard", with a stylized flourish at the end.

Jeff Crollard  
Chair, WSBA Elder Law Section

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cc: Jeff E. Hall